

EFFECTIVE

November 1, 2015.

Subject(s)

FIP Substance Use Disorder Pilot Policy - This policy bulletin has been clarified and replaces the previous policy bulletin, BPB 2015-016.

**DEPARTMENT
PHILOSOPHY**

The Family Independence Program (FIP) is a temporary cash assistance program to support a family's movement to self-sufficiency. In order to accomplish this goal, it is important to identify an individual's strengths, needs and barriers to family stability and/or successful employment. Depending on a client's strengths, needs and barriers, Michigan Department of Health and Human Services (MDHHS) will work with clients to assist them in utilizing their strengths and will provide supportive services in order to meet their needs and alleviate their barriers to success. One potential barrier to a family's self-sufficiency may be substance use disorder.

**DEPARTMENT
POLICY**

Starting October 1, 2015, MDHHS will implement a suspicion-based FIP Substance Use Disorder Pilot in Allegan, Clinton and Marquette counties to identify individuals who may have substance use disorder related barriers to self-sufficiency. If needed, substance use disorder treatment and other supportive services may be provided in order to remove barriers and create additional opportunities for clients to become self-sufficient.

**BEHAVIORAL
HEALTH ACCESS
SYSTEM (ACCESS
SYSTEM)**

If an applicant or recipient is identified through the application or redetermination process as potentially having barriers to family stability and/or successful employment related to substance use disorder, MDHHS will refer them to the Behavioral Health Access System (Access System). Access System clinicians will screen the applicant or recipient for substance use disorder, using an

empirically validated substance use disorder screening tool. If the results of the screening indicate that the individual has a substance use disorder based on the empirically validated substance use disorder screening tool, the applicant or recipient will be referred to a substance use disorder treatment program where clinical staff will require a drug test. The Access System screening will determine the level of treatment needed and make the appropriate referral, if necessary.

TARGET POPULATION

The FIP substance use disorder pilot policy is applied to FIP adult applicants and recipients aged 18 years and older.

This includes adult group members who have a FIP eligibility determination group (EDG) participating status of Eligible Adult and Disqualified Adult.

Exempt from this eligibility requirement are the following:

- Ineligible grantees.
- SSI recipients.
- Caretaker relatives and legal guardians not requesting FIP for themselves.

APPLICATION

At each application for FIP, the following forms must be sent to **each** FIP applicant required to participate in this pilot policy:

- DHS-595, Family Screening Tool.
- DHS-1555-FP, Authorization to Release Protected Health Information - FIP Pilot.
- DHS-3503, Verification Checklist.

Give the applicant 10 days to return the DHS-595 and DHS-1555-FP. If the DHS-595 is not returned in the requested timeframe, deny the FIP application for failure to return requested verifications.

Note: Returning the DHS-595 within 10 days takes precedence over the existing 30 day requirement for purposes of this pilot.

Review the DHS-595 when it is returned. If the applicant identified as possibly having a substance use disorder related barrier and the

DHS-1555-FP has not been returned, send the applicant a new DHS-3503 and DHS-1555-FP. Give the applicant 10 days to return the DHS-1555-FP. If the DHS-1555-FP is not returned in the requested timeframe, deny the FIP application.

If the applicant is identified as possibly having a substance use disorder related barrier, send the completed DHS-1555-FP and DHS-5332, FIP Substance Use Disorder Pilot Report, to Access System. If necessary, send the applicant a DHS-3503 with 10 days to call Access System and provide the phone number.

The applicant identified as possibly having a substance use disorder related barrier must call Access System for substance use disorder screening. Access System will send the DHS-5332 to MDHHS verifying one of the following results:

- Access System verified the applicant called and after the screening by an Access System clinician, a referral for a drug test and treatment was not required. The applicant has met the requirements of this pilot policy. Continue to process the FIP application.
- Access System verified the applicant called and after the screening by an Access System clinician, a drug test is required and treatment is recommended.
- Access System verified the applicant did not call. If the applicant did not call, deny the FIP application for failure to attend a required appointment.

After the substance use disorder screening with an Access System clinician, if the applicant is required to take a drug test and referred to treatment, the applicant must work with the Access System clinician and substance use disorder treatment program to schedule an intake and take a drug test within 14 days. The substance use disorder treatment program will confirm with the applicant and MDHHS their appointment date and time. Send the substance use disorder treatment program clinician the completed DHS-1555-FP and the DHS-5332. The clinician will return the DHS-5332 to MDHHS verifying one of the following test results:

- If the drug test resulted in a negative result, the applicant has met the requirements of this pilot policy. Continue to process the FIP application.

Note: It is possible the applicant may voluntarily enter a treatment program after a negative test result. If the applicant chooses to do so, the attendance/outcome of the voluntary treatment program does not affect the applicant's FIP.

- If the drug test resulted in a positive result, see the Positive Drug Test Results/Noncompliance section in this policy.
- If the returned DHS-5332 shows the applicant attended the appointment and refused to take a drug test, see Positive Drug Test Results/Noncompliance section in this policy.
- If the applicant did not attend their intake appointment at the substance use disorder treatment program, deny the FIP application for failure to attend required appointment.

REDETERMINATION

At each redetermination for FIP, the following forms must be sent to **each** FIP recipient required to participate in this pilot policy:

- DHS-595, Family Screening Tool.
- DHS-1555-FP, Authorization to Release Protected Health Information - FIP Pilot.
- DHS-3503, Verification Checklist.

Give the recipient 10 days to return the DHS-595 and DHS-1555-FP. If the DHS-595 is not returned in the requested timeframe, close the FIP EDG at redetermination for failure to return requested verifications.

Review the DHS-595 when it is returned. If the recipient is identified as possibly having a substance use disorder related barrier and the DHS-1555-FP has not been returned, send the recipient a new DHS-3503 and DHS-1555-FP. Give the recipient 10 days to return the DHS-1555-FP. If the DHS-1555-FP is not returned in the requested timeframe, close the FIP EDG at redetermination.

If the recipient is identified as possibly having a substance use disorder related barrier, send the completed DHS-1555-FP and DHS-5332, FIP Substance Use Disorder Pilot Report, to Access System. If necessary, send the recipient a DHS-3503 with 10 days to call Access System and provide the phone number.

The recipient identified as possibly having a substance use disorder related barrier must call Access System for substance use disorder screening. Access System will send the DHS-5332 to MDHHS verifying one of the following results:

- Access System verified the recipient called and after the screening by an Access System clinician, a referral for a drug test and treatment was not required. The recipient has met the requirements of this pilot policy. Continue to process the FIP redetermination.
- Access System verified the recipient called and after the screening by an Access System clinician, a drug test is required and treatment is recommended.
- Access System verified the recipient did not call. If the recipient did not call, close the FIP EDG at redetermination for failure to attend a required appointment.

After the substance use disorder screening with an Access System clinician, if the recipient is required to take a drug test and referred to treatment, the recipient must work with the Access System clinician and substance use disorder treatment program to schedule an intake and take a drug test within 14 days. The substance use disorder treatment program will confirm with the recipient and MDHHS their appointment date and time. Send the substance use disorder treatment program clinician the completed DHS-1555-FP and the DHS-5332. The clinician will return the DHS-5332 to MDHHS verifying one of the following test results:

- If the drug test resulted in a negative result, the recipient has met the requirements of this pilot policy. Continue to process the FIP redetermination.

Note: It is possible the recipient may voluntarily enter a treatment program after a negative test result. If the recipient chooses to do so, the attendance/outcome of the voluntary treatment program does not affect the recipient's FIP.

- If the drug test resulted in a positive result, see the Positive Drug Test Results/Noncompliance section in this policy.
- If the returned DHS-5332 shows the recipient attended the appointment and refused to take a drug test, see Positive Drug Test Results/Noncompliance section in this policy.

- If the recipient did not attend their intake appointment at the substance use disorder treatment program, close the FIP EDG at redetermination for failure to attend required appointment.

MEMBER ADD

Any adult moving into the home and added to the FIP EDG is to be treated as a FIP applicant. If the adult member add fails to return verifications and/or attend required appointments as outlined in the Application section in this pilot policy, close the FIP EDG for failure to attend required appointment or return requested verifications, depending on the individual circumstance.

POSITIVE DRUG TEST RESULTS/ NONCOMPLIANCE

Any disqualifications or penalties resulting from this pilot policy only affects the individual adult that is noncompliant on the FIP EDG. A disqualification or penalty will not apply to the entire FIP family receiving assistance.

First Positive Drug Test

If the applicant or recipient tests positive for the use of an illicit controlled substance and it is the **first** time that the applicant or recipient tested positive for use under this FIP Substance Use Disorder Pilot, the applicant or recipient may receive FIP as long as the applicant or recipient participates in the treatment and recovery plan as required by the substance use disorder treatment program clinician.

If the applicant or recipient fails to participate in their substance use disorder treatment and recovery plan at any time, or fails to submit to periodic drug testing during ongoing treatment if required by the treatment and recovery plan, the **individual** is disqualified from receiving FIP. See Regaining FIP Eligibility After Disqualification in this policy.

FIP benefits for the family must be paid to a protective payee until the applicant or recipient completes the substance use disorder treatment and recovery plan; see Protective Payee subsection in BAM 420, FIP/SDA Restricted Payments and BAM 401E, Electronic Benefit Transfer Issuance System.

The cost of the positive drug test will be deducted from the applicant's first FIP payment or the recipient's first FIP payment after redetermination.

Second or Subsequent Positive Drug Test

If the applicant or recipient tests positive for the use of an illicit controlled substance and it is the **second** or **subsequent** time that applicant or recipient tested positive for use under this FIP Substance Use Disorder Pilot, the **individual** is disqualified from receiving FIP. See Regaining FIP Eligibility After Disqualification in this policy.

FIP benefits for the family must be paid to a protective payee until the applicant or recipient has returned verification of a negative test for illicit controlled substances and has regained FIP eligibility; see Protective Payee subsection in BAM 420, FIP/SDA Restricted Payments and BAM 401E, Electronic Benefit Transfer Issuance System.

Refusal to Take a Drug Test

If the DHS-5332 is returned to MDHHS stating an applicant or recipient refused to take a drug test at the intake appointment with the treatment program clinician, the **individual** is disqualified from receiving FIP for six months. The six month count begins the month following the month of refusal.

Example: 8/1 Rex refuses to take a drug test at FIP application. The FIP application for the family is approved as of 9/1. Rex's six month disqualification must be applied 9/1 through 2/28.

Example: 8/1 Rex refuses to take a drug test and is disqualified at FIP application. The FIP application is denied for other reasons. On 4/1 Rex applies for FIP again and the family is approved. Even though the family was not approved for FIP between 8/1 and 4/1, Rex's refusal to take a drug test disqualification must be applied 9/1 through 2/28. After 2/28, Rex has the option of complying with the drug test requirement at application. See Regaining FIP Eligibility After Disqualification in this policy.

Example: 8/1 Rex refuses to take a drug test at redetermination. Rex is disqualified from FIP starting 9/1. 11/1, the FIP closes for failure to return a requested verification (such as pay stubs). 12/1

Rex reapplies for FIP and FIP is approved for the family effective 1/1, with Rex as a disqualified individual. Rex's disqualification must be applied 9/1 through 2/28. After 2/28, Rex has the option of complying with the drug test requirement. See Regaining FIP Eligibility After Disqualification in this policy.

FIP benefits for the family must be paid to a protective payee until the applicant or recipient has served the six month disqualification and returned verification of a negative test for illicit controlled substances; see BAM 420, FIP/SDA Restricted Payments and BAM 401E, Electronic Benefit Transfer Issuance System.

Applicants or Recipients That Relocate

If an applicant or recipient that is disqualified for reasons in this pilot policy relocates to a non-pilot county, remove the applicant or recipient's disqualification. If the applicant or recipient that was disqualified returns to a pilot county, disqualify the applicant or recipient, if necessary. See Regaining FIP Eligibility After Disqualification in this policy.

Regaining FIP Eligibility After Disqualification

It is the disqualified applicant or recipient's responsibility to report to MDHHS that they wish to receive FIP and remove their disqualification.

- If an applicant or recipient was previously or is currently disqualified for not participating with their treatment and recovery program after the first positive drug test, the applicant or recipient must test negative for use of an illicit controlled substance to regain FIP eligibility.
- If an applicant or recipient was previously or is currently disqualified from receiving FIP due to a second or subsequent positive drug test, the applicant or recipient must test negative for use of an illicit controlled substance to regain FIP eligibility.
- If an applicant or recipient was previously or is currently disqualified from receiving FIP due to refusing to take a drug test, the applicant or recipient must be disqualified for six

months and must test negative for use of an illicit controlled substance to regain FIP eligibility.

Upon the applicant or recipient's request, obtain a signed DHS-1555-FP and refer the applicant or recipient to the substance use disorder treatment program for a subsequent drug test. If the DHS-5332 is returned from the substance use disorder treatment program showing a negative drug test result, remove the individual disqualification the month after the DHS-5332 is received.

NEGATIVE DRUG TEST RESULTS

Any negative drug test that the applicant or recipient is required to take for purposes of this pilot policy at the substance use disorder treatment program will be paid for by MDHHS.

GOOD CAUSE FOR NONCOMPLIANCE

Good cause is a valid reason for an applicant or recipient who misses their scheduled appointment with an Access System clinician based on factors that are beyond the control of the noncompliant person. This may also include missing an appointment with the substance use disorder treatment program clinician. A claim of good cause must be verified and documented for the applicant or recipient. Determine good cause for the applicant or recipient when MDHHS is notified of the noncompliance before disqualifying the applicant or recipient from receiving FIP. Send the applicant or recipient a DHS-3503 giving them 10 days to provide the good cause verification. If it is determined the applicant or recipient has good cause and the good cause issues have been resolved, refer the applicant or recipient back to Access System or the substance use disorder treatment program clinician.

Good cause includes the following:

- Illness or injury – the applicant or recipient has a temporary illness or injury, or a spouse or child's illness or injury.
- Employment – the applicant or recipient was unable to attend due to conflicting work schedule.
- Reasonable accommodation – this includes child day care or transportation services that were requested of MDHHS and

were not provided in order for the applicant or recipient to attend their appointment.

- Unplanned event or factor – credible information indicates an unplanned event or factor which prevented or significantly interfered with the applicant or recipient's appointment. This includes, but is not limited to:
 - Domestic violence.
 - Homelessness.
 - Hospitalization.

APPLICANTS OR RECIPIENTS UNDER THE CARE OF A PHYSICIAN

If an applicant or recipient tests positive for a controlled substance and has a prescription from a treating physician for the controlled substance the applicant or recipient tested positive for, do not consider this a positive drug test for the purposes of this pilot if the substance use disorder treatment program clinician returns the DHS-5332 stating the client is not abusing the prescription medication.

If an applicant or recipient tests positive for marihuana and is a qualifying patient who has been issued and possesses a Michigan Medical Marihuana Program registry identification card, do not consider this a positive drug test for the purposes of this pilot. The applicant or recipient must provide the MDHHS specialist a copy of the Michigan Medical Marihuana Program registry identification card **and** photo identification. Both must be retained in the case file. See Exhibit I in this policy for examples of what an acceptable Michigan Medical Marihuana Program registry identification card looks like. If the applicant or recipient states they do not have their Michigan Marihuana Program registry identification card, the applicant or recipient can complete a Michigan Medical Marihuana Program Release for Disclosure of Information Form found at http://www.michigan.gov/lara/0,4601,7-154-72600_72603_51869---,00.html. The applicant or recipient's signature must be notarized by a valid notary. The Michigan Department of Licensing And Regulatory Affairs (LARA) will confirm to MDHHS whether the applicant or recipient possesses a valid Michigan Medical Marihuana Program registry identification card.

EMPLOYMENT AND TRAINING REQUIREMENTS

Applicants or recipients that are disqualified from FIP under this pilot policy are required to attend and participate with all employment and training requirements of the FIP program. This includes participating in Partnership. Accountability. Training. Hope. (PATH).

Exception: Adults disqualified from FIP due to alien status are not required to participate with employment and training requirements/PATH; see BEM, 230A Employment and/or Self-Sufficiency Related Activities: FIP.

Note: Do not impose an employment and training/FSSP sanction for failure to complete a substance use disorder treatment and recovery program, refusal to take a drug test or failure to attend appointments related to this pilot. It is not the intent of this pilot to sanction the FIP family for an applicant or recipient who is noncompliant with the required treatment program, disqualified from FIP for testing positive for illicit controlled substances a second or subsequent time, or refusing to take a drug test. Applicants and recipients may face employment and training/FSSP sanctions for reasons that are not part of this pilot policy.

PHOTO IDENTIFICATION

Applicants and recipients must show a form of photo identification at their substance use disorder treatment program and drug testing appointment. If the applicant or recipient fails to show a form of photo identification to the substance use disorder treatment clinician, MDHHS may deny or close the FIP EDG for failure to provide verification.

If an applicant or recipient presents a Michigan Medical Marijuana Program registry identification card, the applicant or recipient must also present a photo identification.

Note: If the applicant or recipient identifies to MDHHS they do not have photo identification, assist the applicant or recipient in obtaining one. See Direct Support Services in this policy.

**DIRECT SUPPORT
SERVICES (DSS)**

DSS are services provided to help families achieve self-sufficiency and remove employment-related barriers. FIP applicants and recipients may use DSS assistance, if necessary and appropriate for this pilot; see BEM 232, Direct Support Services.

Note: Required substance use disorder treatment programs are covered by Medicaid. DSS cannot be used for a Medicaid covered service, including transportation expenses during ongoing treatment; see BAM 825, Medical Transportation.

HEARINGS

Timely notice will be given on all FIP negative actions.

An applicant or recipient has the right to contest any MDHHS decision affecting eligibility or benefit levels in this pilot policy; see BAM 600, Hearings, for all hearing requests received regarding this pilot policy.

**VERIFICATION
REQUIREMENTS****Access System**

An applicant or recipient must participate in all steps Access System clinicians require.

**Substance Use
Disorder
Treatment
Program**

An applicant or recipient must participate in all steps the substance use disorder treatment program clinicians require.

Negative Drug Test

An applicant or recipient must provide verification of a negative drug test to regain FIP eligibility.

**Good Cause for
Noncompliance**

An applicant or recipient that fails to show up for an appointment with Access System or the substance use disorder treatment program must provide verification of a valid good cause reason.

**Medical Marihuana
Card**

An applicant or recipient that tests positive for marihuana and has been issued a Michigan Medical Marihuana Program registry identification card must provide photo identification **and** verification the applicant or recipient is registered with LARA.

**Photo
Identification**

An applicant or recipient must provide a photo identification to take a drug test and if a Michigan Medical Marihuana Program registry identification card is presented.

**VERIFICATION
SOURCES****Access System**

DHS-5332, FIP Substance Use Disorder Pilot Report.

**Substance Use
Disorder
Treatment
Program**

DHS-5332, FIP Substance Use Disorder Pilot Report.

Negative Drug Test

- DHS-5332, FIP Substance Use Disorder Pilot Report.

**Photo
Identification**

- Driver's license.
- Federal, state or local government issued identification.
- U.S. passport.

- School identification card.
- U.S. military card.

**Authorization to
Release Protected
Health Information**

- DHS-1555-FP - Authorization to Release Protected Health Information - FIP Pilot.

**Good Cause for
Noncompliance**

Include but are not limited to:

- Work schedule or note from employer on company letterhead. The note from the employer must have the name, job title and phone number of the individual completing the verification.
- Police report.
- Statement from an M.D. /D.O. /P.A. that the person is unable to attend appointment.

**Michigan Medical
Marihuana
Program Registry
Identification**

Verification of the Michigan Medical Marihuana Program is limited to:

- Michigan Medical Marihuana Program registry identification card. See Exhibit I for examples of what an acceptable Michigan Medical Marihuana Program registry identification card looks like.
- Notarized record certification which MDHHS receives directly from LARA.

EXHIBIT I:

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS MICHIGAN MEDICAL MARIHUANA PROGRAM		MEDICAL MARIHUANA PROGRAM
Marihuana Registry Patient ID Card NO PHOTO AVAILABLE LARA LICENSING AND REGULATORY AFFAIRS CUSTOMER SERVICE BUSINESS HOURS	Registry Number: P987654-130401 Name: JOE SAMPLE Address: 123 MAIN ST LANSING, MI 48911 DOB: 03/22/1960 Issued: 03/19/2012 Expires: 04/01/2013 Authorized to Possess Plants: YES	NO CAREGIVER
Marihuana Registry Patient ID Card NO PHOTO AVAILABLE LARA LICENSING AND REGULATORY AFFAIRS CUSTOMER SERVICE BUSINESS HOURS	Registry Number: P987654-130401 Name: JOE SAMPLE Address: 123 MAIN ST LANSING, MI 48911 DOB: 03/22/1960 Issued: 03/19/2012 Expires: 04/01/2013 Authorized to Possess Plants: NO	CAREGIVER INFORMATION Registry Number: C999888-987654 Name: JOHN SAMPLE Address: 123 MAIN ST LANSING, MI 48911 DOB: 06/24/1985 Issued: 03/19/2012 Expires: 04/01/2013 Authorized to Possess Plants: YES
Marihuana Registry Caregiver ID Card NO PHOTO AVAILABLE LARA LICENSING AND REGULATORY AFFAIRS CUSTOMER SERVICE BUSINESS HOURS	Registry Number: C999888-987654 Name: JOHN SAMPLE Address: 123 MAIN ST LANSING, MI 48911 DOB: 03/22/1960 Issued: 03/19/2012 Expires: 04/01/2013 Authorized to Possess Plants: YES	PATIENT INFORMATION Registry Number: P987654-130401 Name: JOE SAMPLE Issued: 03/19/2012 Expires: 04/01/2013
Marihuana Registry Patient ID Card NO PHOTO AVAILABLE LARA LICENSING AND REGULATORY AFFAIRS CUSTOMER SERVICE BUSINESS HOURS	Registry Number: P987654-130401 Name: JOE SAMPLE Address: 123 MAIN ST LANSING, MI 48911 DOB: 03/22/1960 Issued: 03/19/2012 Expires: 04/01/2013 NOT AUTHORIZED TO POSSESS PLANTS	CAREGIVER INFORMATION Registry Number: C999888-987654 Name: JOHN SAMPLE Address: 123 MAIN ST LANSING, MI 48911 DOB: 06/24/1985 Issued: 03/19/2012 Expires: 04/01/2013 AUTHORIZED TO POSSESS PLANTS

LEGAL BASE

MCL 400.57(y) and (z)
Annual Appropriations Act, Public Act 84 of 2015, section 630
21 USC §862b